

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMES CUNNINGHAM, *et al.*,)
Plaintiffs,)
vs.) Case No. 4:22-cv-00480-MTS
JUDGE MATTHEW THORNHILL, *et al.*,)
Defendants.)

MEMORANDUM AND ORDER

Plaintiff Chanda McKee seeks leave of Court to file a First Amended Complaint in this action. Doc. [8]. The Court will deny her Motion for multiple reasons. First, Plaintiff again has failed to follow Local Rule 4.01(A) in filing this Motion, which the Court already has brought to her attention. *See* Doc. [6] at 3 n.1. Second, Plaintiff failed to comply with Federal Rule of Civil Procedure 5(a)(1)(D), (d)(1), and Local Rule 2.12(A). Plaintiff provided no indication that she served the other parties in this case with a copy of her Motion, and the Court's electronic filing system cannot serve Defendants in this case since they have not entered appearances.¹ Third, Plaintiff McKee seeks leave to amend the Complaint but makes no mention of her co-Plaintiff, James Cunningham, or his position on the amendment. Finally, Plaintiff did not file a copy of the proposed First Amended Complaint with her Motion. Given the profound deficiencies with the original Complaint, the Court will not allow amendment here without first seeing whether amendment would be futile. *See Doe v. Dardanelle Sch. Dist.*, 928 F.3d 722, 727 (8th Cir. 2019).

¹ The Court is not suggesting any fault on the part of Defendants for not having entered in this case because there is no indication Plaintiffs have served them. *See* Fed. R. Civ. P. 4(c)(1) (providing that plaintiff is responsible for having the summons and complaint served on defendants within the time allowed by the rule); *id.* at 4(l) (requiring proof of service to be made to the court).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Chanda McKee's Motion for Leave to Amend, Doc. [8], is **DENIED**.

Dated this 16th day of June, 2022.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE